17th April, 1998 in the matter of P.V. Narasimha Rao Vs. State reported in (1998) 4 SCC 626. The Hon'ble Court has held that "a Member of Parliament would fall within the ambit of sub-clause (viii) of Section 2 (c) of the Prevention of Corruption Act, 1988... Thus a Member of Parliament is a Public Servant for the purpose of the 1988. Act".

(c) Does not arise.

Kerala High Court Bench at Thiruvananthapuram

1694. SHRI N.K. PREMACHANDRAN: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the stage at which the setting up of High Court Bench in Thiruvananthapuram stands at present;

(b) whether Government would consider to set up a Bench of High Court of Kerala in Thiruvanthapuram; and

(c) if so, the details thereof and if not, the reasons therefor?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SHIPPING (SHRI ARUN JAITLEY): (a) to (c) No complete proposal has been received from the Government of Kerala, in consultation with the Chief Justice of Kerala High Court, for establishing a bench of the High Court at Thiruvananthapuram. As such, it is not possible for the Central Government to take any action in the matter.

Restriction on misuse of PIL

1695. SHRI C. RAMACHANDRAIAH: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) the number of Public Interest Litigations (PILs) which have been filed in the Supreme Court and various High Courts till now and their present stages;

(b) whether it is a fact that PIL as an instrument of speedy justice is being misused and Government are concerned over the impact of PIL on various policies and programmes; and

(c) if so, what steps Government are taking to stop/restrict the misuse of PIL?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND

MINISTER OF SHIPPING (SHRI ARUN JAITLEY): (a) The information is being collected and will be laid on the Table of the House.

(b) and (c) Disposal of cases including Public Interest Litigation cases, relates to discharges of judicial function of judges. Government, therefore, cannot intervene in the matter. However, the Supreme Court of India has laid down guidelines to be followed for entertaining letters/petitions received in the Supreme Court as Public Interest Litigation. The paramount consideration before the Supreme Court is always that sufficient public interest is involved in the matter. However, if the Court finds that PIL is misused, it passes strictures against the Advocate/Petitioner concerned to act as a deterrent to others. Other Courts in the Country are expected to follow the Supreme Court.

Administration of Emblems and Names (Prevention of Improper Use) Act, 1950

1696. DR. C. NARAYANA REDDY: Will the Minister of LAW, JUSTICE AND COMPANY AFFAIRS be pleased to state:

(a) whether the Government are aware that many institutions, agencies, firms and organizations use names and emblems included in the schedule to Emblems and Names (Prevention of Improper Use) Act, 1950 without obtaining necessary permission;

(b) if so, what action has been taken on the erring bodies; and

(c) if not, whether Government will initiate measures to find out such cases?

THE MINISTER OF LAW, JUSTICE AND COMPANY AFFAIRS AND MINISTER OF SHIPPING (SHRI ARUN JAITLEY): (a) and (b) the power of registration under the Emblems and Names (Prevention of Improper Use) Act, 1950 of a society, organisation etc. is vested with the Registrar of Societies of the States/Union Territories. However, in case of doubt regarding the applicability of the provisions of the E&N Act, the concerned Registrar seeks clarification/approval of the Central Government. A few instances of improper use/use without permission of certain names covered under the Act had been brought to the notice of the Government and the concerned State Governments were directed to take necessary remedial/penal action as per the provisions of the Act.

(c) Does not arise.